



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,370	11/09/2001	Benjamin Angeles Escobar JR.	D8908-2	1628

25397 7590 05/25/2005

DUANE, MORRIS, LLP  
3200 SOUTHWEST FREEWAY  
SUITE 3150  
HOUSTON, TX 77027

EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/045,370	Applicant(s) ESCOBAR, BENJAMIN ANGELES	
	Examiner Carlos Ortiz-Rodriguez	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 10 and 12-19 is/are rejected.
- 7) ☒ Claim(s) 4-8, 12-15 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/05/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

*R*

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claim 11 is allowed
2. Claim 4-8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 12-15 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 12-15 and 17-19 recites the limitation "system". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes

Art Unit: 2125

of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1-3, 9-10, and 16-18 rejected under 35 U.S.C. 102(e) as being anticipated by DeWitt et al. U.S. Pub. No. 2003/0014376.

Regarding claim 1, DeWitt et al. disclose a method of processing material, comprising:

placing the material onto a milling line for processing(see page 1, para[0003] lines 3-5);

initializing a sensor positioned to sense a measurement of a predetermined characteristic of a predetermined portion of the material, the sensor protected by a sensor housing(see page 2, para[0029] lines 6-8);

initializing a stepper motor, disposed proximate the line, to a predetermined position(see page 2, para[0027] lines 1-3);

processing the material at a predetermined location along the milling line(see page 2, para[0027] lines 3-4);

sensing a predetermined characteristic of the material on the milling line(see page 2, para[0029] line 2);

calculating an adjustment of the material in a predetermined plane using the sensed characteristic(see page 2, para[0022] lines 1-4);

sending a signal to the stepper motor based on the calculated adjustment, if the adjustment is non-zero(see page 2, para[0027]);

and retaining the sensed characteristic of the material for certification of the sensed characteristic(see page 2, para[0022] lines 15-16).

Regarding claim 2, DeWitt et al. further discloses the method further comprises sensing a predetermined characteristic of the material on the milling line by physical contact of the sensor with the material to be processed(see page 2, para[0029] line 3).

Regarding claim 3, DeWitt et al. further discloses the method wherein the sensed characteristic comprises a measurement of a predetermined portion of the material in a single plane(see page 2, para[0029] lines 4-6).

Regarding claim 9, DeWitt et al. further discloses the method wherein the material is at least one of metal, plastic, glass, paper(mail), organic materials, and composites is inherent to DeWitt et al.

Regarding claim 10, DeWitt et al. further discloses the method wherein the processing is at least one of cutting, shaping, etching, assembling, welding, progressive dies, stamping, and riveting(see abstract line 8).

Regarding claim 16, DeWitt et al. further discloses a device for processing a material, comprising:

a milling table for movably accepting material to be processed(see Fig 1);

a plurality of stepper motors operatively connected to the milling table, at least one first stepper motor being capable of moving the material in a first plane(see page2, para[0027] and para[0033] lines 7-12);

Art Unit: 2125

a materials processor(see page 1, para[0003] lines 3-5);

a measurement sensor situated within a sensor housing(see page 2, para[0029] lines 6-8);

a controller operatively connected to the measurement sensor and the plurality of stepper motors (see page 2, para[0027]);

and a computer operatively in communication with the controller; wherein the computer calculates an adjustment of the material on the milling table using a sensed measurement; the computer provides the controller with data useful in controlling at least one of the stepper motors based on the calculated adjustment; and the computer concurrently generates a certification of the sensed measurements(see page 2, para[0022]).

Regarding claim 17, DeWitt et al. further discloses the system further comprising a tensioner connected to at least one of the plurality of stepper motors for maintaining a predetermined pressure between the stepper motor and the material(see page 2, para[0033] lines5-6).

Regarding claim 18, DeWitt et al. further discloses the system wherein the measurement sensor is at least partially in physical contact with the material to be processed(see page 2, para[0029] line 3).

***Response to Arguments***

Applicant's arguments filed 3/5/04 have been fully considered. It should be noted that the milling line/table in claims 1 and 16 are being interpreted as a common conveyor since there is no machining/milling realized. Claims 1 and 16 are basically oriented towards movement/sensing of material.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to system and method for manufacturing a material using concurrent dimension certification:

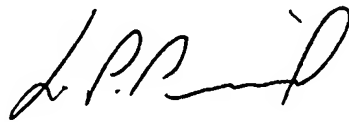
- a. U.S. Pat. No. 5,660,262 to Landrum et al., which discloses high speed carton feeding/turning system.

Art Unit: 2125

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (703) 305-8009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The central official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Carlos Ortiz-Rodriguez  
Patent Examiner  
Art Unit 2125

cror

May 17, 2004

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100